REMARKS

Claims 1-19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kim (US 2002/0183637). Claims 1 and 10 have been amended. In the previous response, the Applicant articulated distinctions between the pending claims and the reference cited thus indicating that the reference was insufficient to anticipate the claims. The previous response is incorporated herein by reference. In reply, the Examiner only advances the broad proposition that Kim teaches determining whether the template is valid based on a comparison with the first selected events, and generating an updated template if the current template is not valid. Applicant respectfully traverses the rejection as set forth below.

Claim 1 relates to a method for generating a template of a normal heartbeat including generating a current template from the collected first selected events, waiting a predetermined delay, and then collecting a predetermined number of detected non-paced heartbeats having predetermined characteristics during a second discrete sample collection interval subsequent to the first discrete sample collection interval and the predetermined delay and identifying the predetermined number of detected non-paced heartbeats collected during the second discrete sample collection interval as second selected events. Claim 1 further recites determining whether the current template is valid based upon a comparison of the collected first selected events and the collected second selected events and generating an updated template from the collected second selected events in response to the current template not being valid.

Kim teaches confirming or validating a template as soon as a candidate template has been generated. During a "template update procedure," the candidate template is generated either when there is no template presently stored or when a stored template is not correlated with a "current rhythm". In either of these two scenarios, the candidate template is confirmed or validated using the "current rhythm", not events collected during a second discreet sample

collection period following a predetermined delay after a first discreet sample collection period.

In the first scenario, when there is no template presently stored, Kim teaches generating a candidate template 408 (see Figure 4). If the "current rhythm" correlates with the candidate template 410, the candidate template is stored 412. If the candidate template does not correlate with the current rhythm, the "template update" exits at 424. Accordingly, in this first scenario, Kim never teaches or suggests using the "current rhythm" to both validate the candidate template and update the template.

In the second scenario, if a template is already stored 406, the stored template will have already been confirmed using the "current rhythm" when the template was initially generated during a previous "template update procedure". During the next "template update" the "current rhythm" is compared to the stored template 414. This comparison is not to validate the stored template since the stored template would have already been validated during a previous "update template procedure" when it was initially generated. As such, this comparison is being made between a confirmed, stored template and the current rhythm to determine if the previously-confirmed template now needs updating. If the "current rhythm" does not correlate with the stored template, a candidate template is generated 416 and the "current rhythm" is compared to the candidate template at 418 to validate the candidate template. As such, the "current rhythm" is used to generate the candidate template, and the "current rhythm" is again used to confirm the candidate template with no delay period between discrete sample collection intervals for collecting beats for generating the candidate template and collecting beats to confirm the candidate template. This sequence of events is also represented by the continuous timeline of Figure 6.

Accordingly, the notion that Kim teaches acquiring second events during a discreet sample collection period subsequent to a delay period and uses those second events to both validate the template and generate an updated template in response to the template being not valid is factually unsupportable. Kim never

teaches or suggests acquiring first events during a first discrete sample collection window for generating a template, waiting a predetermined delay, acquiring second events during a second discrete sample collection window for determining if the template is valid, and generating an updated template using the second events if the template is not valid.

Accordingly, Applicant respectfully asserts that the instant claims are in condition for allowance and requests a withdrawal of the rejection. An early action to that effect is courteously solicited. Finally, if there are any formal matters remaining after this Amendment, the Examiner is requested to telephone the undersigned attorney to attend to those matters.

Respectfully submitted,

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Date

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